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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,213	02/07/2007	Gordon L. Anderson	59049US004	4806
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3M INNOVATIVE PROPERTIES COMPANY				
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ST. PAUL, MN 55133-3427				
EXAMINER				
CHAN, SING P				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
04/15/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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LegalDocketing@mmm.com

Office Action Summary

Application No.

10/595,213

Applicant(s)

ANDERSON, GORDON L.

Examiner

SING P. CHAN

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
4a) Of the above claim(s) 38-40 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 6/28/06 & 11/8/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I, claims 21-37 in the reply filed on January 20, 2010 is acknowledged.
2. Claims 38-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 20, 2010.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 21-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 21 recites the limitation "guide structure" in line 10. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 21 recites the limitation "releasably coupling structure" in line 15. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 32 recites the limitation "guide structure" in 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 21-24, 30-34, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kang (U.S. 6,601,630).

Regarding claims 21-24, 30, 32-34, and 34, Kang discloses an apparatus for applying tape to car door sash. The apparatus includes pressure drums (4 and 6), i.e. application structure, a drum cap (12), i.e. guide structure, for adjusting the length of the application structure and the width of an adhesive tape, an inner roller block (16) mounted to a block housing (14) together with drum block (2), i.e. main body, to provide a space for adjusting the position of a plurality of rollers (18), a slide support (22) mounted to inner roller block (16) so as to be adjusted in the same direction, an outer roller block (26) with a plurality of rollers (24), i.e. directing structure, mounted to slide support (22) to allow for adjustment of height with bolts to clamp the apparatus to the sash or to biasing the rollers (24) toward the pressure drums (4 and 6). Furthermore, the bolts function as the adjusting means to adjust the position of each block (2, 16, 26), drum cap (12) and slide support (22) (Col 2, line 63 to Col 3, line 10), which are also a releasably coupling structures. The space between drum cap (12) and drum block (2) is

adjusted by fastening or unfastening bolt (28) thereby adjusting the length of the space between drum block (2) and cap drum to the width of the adhesive tap as well as the length of the pressure drums (4 and 6) and guide bars (8 and 10) (Col 3, lines 24-39).

Regarding claim 31, Kang discloses guide bars (8 and 10) for receiving the adhesive tap (Col 4, lines 63-66)

Allowable Subject Matter

10. Claims 25-29 and 35-36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The claims recite an apparatus for applying adhesive backed film with at least first and second widths. The apparatus comprising:

a directing structure adapted to engage said second surface of an adherend;

an application structure coupled to said directing structure;

an: element for biasing said directing and application structure toward one another such that said directing and application structures are capable of being releasably clamped to said adherend;

and said application structure including at least one element for applying the adhesive-backed film to said first surface and guide structure for properly locating said adhesive-backed film relative to said element and said first surface, said guide structure having a manually movable guide surface capable of being located in a first position

corresponding to said first width of said adhesive-backed film and a second position corresponding to said second width of said adhesive backed film;

the apparatus further comprises;

an engagement bar;

at least one slide rod passing through a bore in a main body and being fixedly coupled to said engagement bar and said guide plate;

and a spring defining said biasing element, engaging said engagement bar and biasing said engagement bar and said guide plate to a second location such that said movable guide surface is located in said second position.

Kang as disclosed above is silent as to the apparatus includes an engagement bar;

at least one slide rod passing through a bore in a main body and being fixedly coupled to said engagement bar and said guide plate;

and a spring defining said biasing element, engaging said engagement bar and biasing said engagement bar and said guide plate to a second location such that said movable guide surface is located in said second position. A search of the prior art of record did not disclose reference or references in combination with the recited feature.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujiwara (JP 2003-205923) with U.S. equivalent of (U.S. 7,152,651) discloses an apparatus for applying adhesive tape. The apparatus includes a guiding structure for various tape widths.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SING P. CHAN whose telephone number is (571)272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sing P Chan/
Acting Examiner of Art Unit 1791

/Philip C Tucker/

Supervisory Patent Examiner, Art Unit 1791